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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,830	09/21/2000	Paavo Hyvarinen	1313/IG310-U	2592

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Robert C Sullivan Jr
Darby & Darby P C
P O Box 5257
New York, NY 10150-5257

EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

24

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,830

Applicant(s)

HYVARINEN ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebhardt (5,205,808) in view of Focke et al. (5,052,995).

Gebhardt discloses a method of packaging a web comprising slitting a web to form a slit web of two or more narrower webs (Fig. 1; via 18); folding the slit web into superimposed layers (Figs. 2 and 5); directing the slit web to move with the first and second rotating reels (via 100) a length of a predetermined rotational angle to provide folding of the narrower webs by holding the two or more narrower webs alternatively against surfaces of the first and second rotating reels (Figs. 2 and 5); directing the web to a nip formed by first and second rotating reels and at least one of the mechanical gripper projection extending outwardly (Fig. 2 via 38 and Fig. 5) to interfold the bags and to achieve stronger and sharper folds on the web (column 3, lines 23 and 24). Gebhardt does not disclose that joining ends of the webs together. However, Focke discloses similar method of packaging a web with joining ends of the webs together (Fig. 6).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Gebhardt's method of packaging a web by having the step of joining ends of the webs together, as suggested by Focke, in order to run continuous web of material in a plurality of connected stacks (column 1, lines 62-68).

Regarding claim 15: Gebhardt discloses that the step of holding the two or more narrower webs alternatively against surfaces of the first and second rotating reels comprises holding the webs against the surfaces of the reels by mechanical engagement of the web by means disposed on the surfaces of the reels (Figs.5; via finger 104)

Regarding claim 16: Gebhardt discloses that the means comprises at least one mechanical gripper (via finger 104) and at least one projection extending outwardly from a periphery of the first and second rotating reels (Fig. 5).

Regarding claim 17: Gebhardt discloses the step of holding the two or more narrower webs comprises holding the webs against the surfaces of the first and second rotating reels by mechanical engagement of the web by suction using underpressure (Figs. 2 and 5).

Regarding claims 13, 14 and 18: Gebhardt does not disclose exactly that the slit web are joined together by joining a forward/tall end of an outermost web to a forward/tall end of next adjacent web by sewing, taping, gluing,...etc. However, Focke discloses that the slit web are joined together by joining a forward/tall end of an outermost web to a forward/tall end of next adjacent web and/or it would have been an obvious matter of design choice to have modified Gebhardt's web by having the two or more narrower webs are joined together by joining a forward/tall end of an outermost web to a forward/tall end of next adjacent web by sewing, taping, gluing,...etc., since applicant has not disclosed that the two or more narrower webs are joined together by joining a forward/tall end of an outermost web to a forward/tall end of next adjacent web by sewing, taping, gluing,...etc solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with having the webs sub-

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divided by longitudinally extending as disclosed by Shore and keep them connected by portions 18 (Figs. 1, 5, and 6).

Response to Arguments

Applicant's arguments filed on 2/2/2004 have been fully considered but they are not persuasive.

Applicants argue in page 5 of the arguments that Gebhardt does not disclose that the bags are joined together in any way, the staggered folded bags do not form a continuous connected web. The examiner believes that applicants are arguing about continuous feeding web which was not claimed as applicant arguing, the claims point out to "a web for form a slit web.." not continues web. Furthermore, the examiner believes that Gebhardt disclosed a continues bags, the bags are somehow connected via as applicants pointed out on the remarks by folding them in a way to connect them together via zig-zag fold, see for example (Fig. 5).

Applicants also argue in page 6 of the arguments that Focke's reference discloses that the web material is shifted to an adjacent position and another stack. The examiner believes the stacks are connected to each other via by non-folded web portion 23, see for example (Fig. 6 and column 3, lines 32-35) "...This means that the stacks 15 belonging to a group 22 of this kind are **connected** to one another, specifically by an extended, that is to say non-folded web portion 23."; which was pointed out by the reference as a connecting means 23 not shifting means.

Applicants further argue in page 6 of the arguments that the packaging method of the present invention permits the simultaneous formation of multiple, adjacent stacks of folded material from the rotary reel mechanism which permits simultaneous feeding, folding and stacking of the narrower adjacent webs of the slit web. The examiner believes that applicants

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arguments are referring to simultaneous formation of multiple, adjacent stacks of folded material which was not disclosed on the claims. It appears that applicants are referring to the specification or the invention, but not what is on the claims.

Applicant further argue in page 7 of the arguments that after the multiple stacks of the adjacent narrower webs have been created the ends of the webs are joined “so that the two or more narrower webs form a continuous whole length corresponds to a combined lengths of the two or more narrower webs as required by the pressing claims”. The examiner believes that Focke’s reference clearly discloses the connection mean between adjacent stacks via connecting web 23 to form a continuous web.

Applicants again arguing in page 7 of the arguments that Focke’s reference discloses package of successive single blank width stacks formed one stack at a time, each joined continuously end to end. The examiner believes that applicants are focusing on the way the present application was forming the fold which is “simultaneous formation of multiple adjacent stacks of folded material”, but that was not clear on the claims.

Finally the applicants argue in page 8 of the arguments that Focke does not disclose any adjacent webs. However, the it appears to the examiner that Fock’s reference Fig. 6 discloses adjacent webs joined together via by unfolded web 23.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST.



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700